

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE FERNANDEZ, an individual, and
ELEDUVINA SALAZAR, an individual,

Plaintiffs,

v.

FCA US LLC, a Delaware Limited
Company, and DOES 1 through 10,
inclusive,

Defendant.

Case No. 1:21-cv-00042-DAD-BAM

**ORDER DENYING STIPULATED
PROTECTIVE ORDER WITHOUT
PREJUDICE**

(Doc. No. 13)

On April 19, 2022, the parties filed a proposed stipulated protective order. (Doc. No. 13.) However, the stipulated protective order fails to address the procedure for filing material under seal.

Local Rule 141.1(e) states that “documents that are subject to a protective order may be filed under seal only if a sealing order is first obtained.” In the stipulated protective order, the parties propose “If Confidential Materials or Information derived from Confidential Materials are submitted to or otherwise disclosed to the Court in connection with such motions or proceedings, the same shall be separately filed under seal with the clerk of the Court in an envelope marked: ‘CONFIDENTIAL – FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER AND WITHOUT ANY FURTHER SEALING ORDER REQUIRED.’” (Doc. No. 13 ¶17.) The parties

1 fail to include a provision acknowledging the requirements for sealing a document. The parties
2 instead propose that all documents identified as confidential under the protective order shall be
3 filed under seal. Such a clause would be contrary to Local Rule 141.1(e).

4 Accordingly, IT IS HEREBY ORDERED that the parties' request for entry of the
5 Stipulated Protective Order (Doc. No. 13) is DENIED without prejudice. The parties may file a
6 modified protective order that addresses the requirements of Local Rule 141.1 by identifying the
7 procedure for sealing documents pursuant to L.R. 141.1(e).

8 IT IS SO ORDERED.

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10 Dated: April 21, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE